

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FAIGY RACHEL WEISS,

Plaintiff,

17-CV-03557 (VSB) (VF)

-against-

**ORDER**

CITY UNIVERSITY OF NEW YORK et al.,

Defendants.

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**VALERIE FIGUEREDO, United States Magistrate Judge:**

On April 29, 2022, Defendants filed a letter motion to compel Plaintiff to produce documents responsive to Document Requests 2 and 4 served by Defendant or verify her written responses to those requests (see ECF No. 171).<sup>1</sup> A conference was held before this Court on May 19, 2022, where this dispute was addressed, and on May 20, 2022, this Court granted Defendants' motion, ordering Plaintiff "to either produce the documents that are responsive to Document Requests 2 and 4" or "to verify her responses to those requests" (see ECF No. 178). On June 9, 2022, Defendants filed a letter motion to compel Plaintiff to comply with the May 20, 2022 Order (see ECF No. 181). Another conference was held before this Court on June 13, 2022, at which the Court reiterated that pursuant to the May 20, 2022 Order, entered at ECF No. 178, Plaintiff had to either produce documents

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<sup>1</sup> Because Plaintiff did not produce any of the requested documents and responded to the requests for documents in writing without providing any documents to support the information, Plaintiff's responses are treated as interrogatory responses which therefore must be verified. See Fed. R. Civ. P. 33(b)(3) ("Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath.").

responsive to Document Requests 2 and 4 or verify her written responses to those requests no later than June 30, 2022.<sup>2</sup>

On June 30, 2022, Plaintiff provided a document to Defendants stating that the source of the information in her responses to Document Requests 2 and 4 was certain government websites, but failing to attest to the truth and accuracy of her responses under oath. As a result, on July 6, 2022, Defendants filed another letter motion to compel proper verification of Plaintiff's responses to Document Requests 2 and 4 (see ECF No. 191). This Court held a third conference addressing this matter on July 25, 2022. Consistent with the Court's previous orders, and as described in detail at the conference, Plaintiff is directed to submit a notarized verification of her responses to Document Requests 2 and 4 by **no later than Monday, August 8, 2022**. As stated at the conference: **FAILURE TO SUBMIT THIS VERIFICATION BY THE DEADLINE PROVIDED MAY RESULT IN SANCTIONS, INCLUDING PLAINTIFF BEING PRECLUDED FROM RELYING ON THIS INFORMATION AT TRIAL.**

Finally, on June 14, 2022, this case was referred to the Court's Mediation Program (see ECF No. 186). On June 22, 2022, this Court ordered the Clerk of Court to locate pro bono counsel to represent Plaintiff in the mediation (see ECF No. 189). However, given that the Mediation Office may be unable to locate pro bono counsel for Plaintiff, the parties are directed to move forward with scheduling a mediation.

The Clerk of Court is directed to close the motion at ECF No. 191. **SO ORDERED.**

DATED: July 26, 2022

  
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VALERIE FIGUEREDO  
United States Magistrate Judge

<sup>2</sup> The Court issued a written order memorializing this directive (see ECF No. 187).